

### § 291. Removal of Government property at schools

Where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of reservations or said schools, the Secretary of the Interior is authorized to move such property to other Indian reservations or schools where it may be required.

(Mar. 1, 1907, ch. 2285, 34 Stat. 1016.)

### § 292. Suspension or discontinuance of schools

The Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation Indian school, and, with the approval of the Secretary of the Interior, may sell any reservation school building or plant that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, under such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe.

(Apr. 21, 1904, ch. 1402, § 1, 33 Stat. 211.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

### § 292a. Discontinuance of boarding and day schools having small attendance

All reservation and nonreservation boarding schools with an average attendance in any year of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the ensuing fiscal year. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided*, That all day schools with an average attendance in any year of less than eight shall be discontinued on or before the beginning of the ensuing fiscal year: *Provided further*, That all moneys appropriated for any school discontinued pursuant to this section or for other cause shall be returned immediately to the Treasury of the United States.

(Mar. 4, 1929, ch. 705, 45 Stat. 1576.)

#### CODIFICATION

Section is from the Interior Department Appropriation Act, 1930. Similar provisions were contained in the following prior appropriation acts:

Mar. 7, 1928, ch. 137, 45 Stat. 215.  
Jan. 12, 1927, ch. 27, 44 Stat. 947.  
May 10, 1926, ch. 277, 44 Stat. 468.  
Mar. 3, 1925, ch. 462, 43 Stat. 1155.  
June 5, 1924, ch. 264, 43 Stat. 404.  
Jan. 24, 1923, ch. 42, 42 Stat. 1182.  
May 24, 1922, ch. 199, 42 Stat. 562.  
Mar. 3, 1921, ch. 119, 41 Stat. 1227.

Feb. 14, 1920, ch. 75, 41 Stat. 410.

### § 292b. Establishment of single system of education in Alaska; transfer of Indian schools to State of Alaska

The Bureau of Indian Affairs shall not expend any other funds for the operation of any secondary education program or facility in the State of Alaska after June 30, 1983: *Provided*, That while consultation concerning day school transfers to the State of Alaska will continue with affected villages, local concurrence is not required in this continuing effort to establish a single system of education envisioned by the State's constitution: *Provided further*, That after June 30, 1984, the Bureau of Indian Affairs shall fund no more than ten day schools in Alaska: *Provided further*, That the Bureau of Indian Affairs shall not fund any schools in Alaska after June 30, 1985: *Provided further*, That \$9,350,000 of such amount shall be available until expended for transfer to the State of Alaska to assist in the rehabilitation or reconstruction of Bureau-owned schools which are transferred to the State: *Provided further*, That the \$9,350,000 appropriated in Public Law 97-394 available to the State of Alaska to assist in the rehabilitation of Bureau-owned schools which are transferred to the State may also be used for reconstruction: *Provided further*, That when any Alaska day school operated by contract is transferred, the State shall assume any existing contract pertaining to the operation or maintenance of such school for a minimum of two years or until the expiration of the negotiated contract, whichever comes first: *Provided further*, That nothing in the foregoing shall preclude assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596) as amended (25 U.S.C. 452 et seq.), or any other Act to such schools on the same basis as other public schools.

(Pub. L. 98-63, title I, July 30, 1983, 97 Stat. 326.)

#### REFERENCES IN TEXT

Other funds, referred to in text, means funds other than the appropriation of \$22,000,000 made available to the Bureau of Indian Affairs for transfer to the State of Alaska for the benefit of Alaska Native secondary students under the headings "Bureau of Indian Affairs" and "Operation of Indian Programs" of Pub. L. 98-63, title VII, July 30, 1983, 97 Stat. 326.

\$9,350,000 of such amount, referred to in text, means \$9,350,000 of the \$53,150,000 appropriated as an additional amount for the operation of Indian programs by the Bureau of Indian Affairs under the headings "Bureau of Indian Affairs" and "Operation of Indian Programs" of Pub. L. 98-63, title VII, July 30, 1983, 97 Stat. 326.

Public Law 97-394, referred to in text, is Pub. L. 97-394, Dec. 30, 1982, 96 Stat. 1966. Provisions of that act relating to an appropriation of \$9,350,000 available to the State of Alaska (96 Stat. 1974) are not classified to the Code.

Act of April 16, 1934, referred to in text, is act Apr. 16, 1934, ch. 147, 48 Stat. 596, as amended, popularly known as the Johnson-O'Malley Act, which is classified generally to section 452 et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 452 of this title and Tables.

### § 292c. Unavailability of appropriated funds for boarding schools

On and after October 12, 1984, no part of any appropriations to the Bureau of Indian Affairs